

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

M.A.C.M.A.No.1008 OF 2006

JUDGMENT:

This appeal is filed under Section 173 of the Motor Vehicles Act, 1988 (for short, 'the Act'), by the appellants-claimants aggrieved by the order dated 30.12.2005 in O.P.No.419 of 2004 on the file of the Additional Metropolitan Sessions Judge for the trial of Jubilee Hills Car Bomb Blast Case-cum-Additional Family Court-cum-XXIII Additional Chief Judge, Red Hills, Nampally at Hyderabad.

2. Though the matter is posted 'for orders', there is no representation for both sides. This appeal is of the year 2006. It underwent several adjournments. Hence, this appeal can be disposed of on merits basing on the material available on record.

3. This appeal is filed by the parents of the deceased-Mohd. Asad Ahmed contending that while working as a clerk in a private concern, the deceased was drawing salary of Rs.5,500/- per month and he was 18 years old on the date of accident. The Court below granted only a compensation of Rs.1,00,000/-, which is meagre and ultimately prayed to enhance the compensation.

4. As seen from the material available on record, it was held by the Court below while answering issue No.1 that the accident occurred on 02.05.2003 due to the wrong parking of the lorry bearing No.AP 11U 3716 and there was rash and negligence driving on the part of the driver of the offending lorry. On the same day, the deceased succumbed to the injuries. The Court below took the annual income of the deceased as Rs.15,000/-, deducted 1/3rd thereof towards personal expenses of the deceased, applied multiplier '8' by taking the age of

the mother of the deceased (60 years) and assessed compensation of Rs.80,000/- towards loss of dependency. The Court below also granted Rs.15,000/- towards loss of estate and Rs.5,000/- towards transportation. In total, the Court below granted Rs.1,00,000/- towards compensation to the claimants.

5. It is appropriate to refer the decision rendered in *Munnalal Jain and others v. Vipin Kumar Sharma and others*¹, wherein it is held as under:

“When the deceased was a bachelor, relevant multiplier applicable to his age group has to be taken into consideration.

The selection of multiplier is based on the age of the deceased and not on the basis of the age of the dependant. There may be a number of dependents of the deceased whose age may be different and therefore the age of the dependents has no nexus with the computation of compensation.”

In the said decision, when the deceased was a bachelor, the Apex Court has taken the age of the deceased to assess the loss of dependency. As per the decision in *Sarla Verma v. Delhi Transport Corporation*², the appropriate multiplier to the age (18 years) of the deceased is ‘18’. The Court below had taken the annual income of the deceased at Rs.15,000/-. As the deceased was educated, Rs.20,000/- can be taken as his annual income. Since the deceased was a bachelor, half of the income is liable to be deducted towards his personal expenses. So, the annual contribution of the deceased to the claimants comes to Rs.10,000/-. After applying multiplier ‘18’, the compensation for loss of dependency comes to Rs.1,80,000/- (Rs.10,000/- x 18). The claimants, who are parents of the deceased

¹ 2015(6) SCC 347

² AIR 2009 SC 3104

are also entitled for a sum of Rs.15,000/- towards loss of love and affection and another Rs.15,000/- towards funeral expenses. In all, the claimants are entitled for a sum of Rs.2,10,000/- towards compensation with interest @ 7.5% per annum on the enhanced compensation.

6. Accordingly, the appeal is allowed in part modifying the order, dated 30.12.2005 passed by the Court below in O.P.No.419 of 2004, enhancing the compensation from Rs.1,00,000/- to Rs.2,10,000/- with interest @ 7.5% per annum on the enhanced amount of compensation from the date of petition till the date of deposit. On such deposit, the claimants are permitted to withdraw the same equally.

The Miscellaneous Petitions, if any, pending shall stand closed.
No costs.

Date: 19.07.2018
ssp

Dr. SHAMEEM AKTHER, J

